

# Memorandum



**Date:** (Public Hearing 05-17-05)  
October 19, 2004

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

Agenda Item No. 5(C)

**From:** George M. Burgess  
County Manager

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**Subject:** Ordinance Creating the Vizcaya in Kendall  
Community Development District

## RECOMMENDATION

It is recommended that the Board adopt the attached ordinance creating the Vizcaya in Kendall Community Development District (CDD) in unincorporated Miami-Dade County, pursuant to the authority granted by the Miami-Dade County Home Rule Charter for the purposes set forth in Chapter 190 of the Florida Statutes, subject to acceptance of the declaration of restrictive covenants running with the lands within the jurisdiction of the CDD.

## BACKGROUND

Kendall Land Development, L.L.C., owner of the Vizcaya in Kendall Development, has filed an application to create the Vizcaya in Kendall CDD in connection with said development. Vizcaya in Kendall is a 160.27 acre mixed use development lying wholly within unincorporated Miami-Dade County, in the area bounded by S.W. 88<sup>th</sup> Street on the north, S.W. 96<sup>th</sup> Street on the south, S.W. 167<sup>th</sup> Avenue on the east and S.W. 172<sup>nd</sup> Avenue on the west. The CDD is designed to provide a financing mechanism for community infrastructure, services and facilities, along with certain ongoing operations and maintenance for the Vizcaya in Kendall Development. The development plans for the lands within the proposed CDD include construction of 1,256 residential units, 22,499 square feet of retail, 132,000 square feet of commercial, and 11.12 acres of civic use or school site, with associated roadway, storm drainage and water and sewer facilities estimated to cost approximately \$43.2 million. A detailed summary of CDD elements, as well as their cost and anticipated lack of fiscal impacts to government agencies, is presented in the attached application submitted by Kendall Land Development, L.L.C. In accordance with Florida Statute 190, Kendall Land Development, L.L.C., has paid a filing fee of \$15,000 to the County.

A declaration of restrictive covenants will be proffered at public hearing by the owner of the lands within the CDD jurisdiction, providing for notice in the public records of the projected taxes and assessments to be levied by the CDD, and providing for individual prior notice to the initial purchaser of a residential lot or unit within the development. The document shall also include provisions for remedial options to property owners whose contract for sale did not include timely notice of the existence and extent of CDD liens and special assessments.

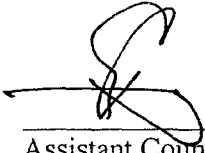
Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners  
Page 2

This Board is authorized by the Florida Constitution and the Miami-Dade County Home Rule Charter to establish governmental units such as the CDD within Miami-Dade County and to prescribe such government's jurisdiction and powers.

This development's roadways are a mix of private and public, and will be maintained by an HOA or CDD or Miami-Dade County. A special taxing district shall be created to maintain this development's lakes, access tracts, swales and landscape tracts and common elements should the HOA or CDD fail to maintain these facilities.

**FISCAL IMPACT**

The creation of the Vizcaya in Kendall Community Development District will have no fiscal impact on Miami-Dade County other than normal maintenance of the roads, storm drainage system, water and sewer facilities dedicated to the County.

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Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** May 17, 2005

**FROM:** Robert A. Ginsburg  
County Attorney

A handwritten signature in black ink, appearing to read "Robert A. Ginsburg", is written over the printed name.

**SUBJECT:** Agenda Item No. 5(C)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5(C)  
05-17-05

ORDINANCE NO. \_\_\_\_\_

ORDINANCE GRANTING PETITION OF KENDALL LAND DEVELOPMENT, L.L.C., ("KLD, L.L.C." OR "PETITIONER") FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING VIZCAYA IN KENDALL COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT"); PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; ACCEPTING PROFFERED DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, the Florida Legislature created and amended Chapter 190, Florida Statutes, to provide an alternative method to finance and manage basic services for community development; and

**WHEREAS**, Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter grants the Miami-Dade County Board of County Commissioners the authority to exercise all powers and privileges granted to municipalities and counties by the laws of this State; and

**WHEREAS**, Article VIII, Section 6(1) of the Florida Constitution provides for exclusive County Charter authority to establish all governmental units within Miami-Dade County and to provide for their government and prescribe their jurisdiction and powers; and

**WHEREAS**, Kendall Land Development, L.L.C., ("KLD, L.L.C." or "Petitioner") has petitioned for the establishment of the Vizcaya in Kendall Community Development District (the "District"); and

**WHEREAS**, a public hearing has been conducted by the Miami-Dade County Board of County Commissioners in accordance with the requirements and procedures of Section 190.005(2)(b), Florida Statutes, and the applicable requirements and procedures of the Miami-Dade County Home Rule Charter and Code; and

**WHEREAS**, the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area, thereby providing a solution to the County's planning, management and financing needs for delivery of capital infrastructure therein without overburdening the County and its taxpayers; and

**WHEREAS**, the Board of County Commissioners finds that the statements contained in the Petition are true and correct; and

**WHEREAS**, the creation of the District is not inconsistent with any applicable element or portion of the State comprehensive plan or the Miami-Dade County Comprehensive Development Master Plan; and

**WHEREAS**, the area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community; and

**WHEREAS**, the creation of the District is the best alternative available for delivering the community development services and facilities to the area that will be served by the District; and

**WHEREAS**, the proposed services and facilities to be provided by the District will be compatible with the capacity and uses of existing local and regional community development services and facilities; and

**WHEREAS**, the area that will be served by the District is amenable to separate special-district government; and

**WHEREAS**, the owner of the property that is to be developed and served by the community development services and facilities to be provided by the District has submitted an executed declaration of restrictive covenants pledging among other things to provide initial purchasers of individual residential parcels with notice of liens and assessments applicable to such parcels, with certain remedial rights vesting in the purchasers of such parcels if such notice is not provided in a timely and accurate manner; and

**WHEREAS**, having made the foregoing findings, after a public hearing, the Miami-Dade County Board of County Commissioners wishes to exercise the powers bestowed upon it by Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter in the manner provided by Chapter 190, Florida Statutes; and

**WHEREAS**, the Miami-Dade County Board of County Commissioners finds that the District shall have those general and special powers authorized by Sections 190.011 and 190.012, Florida Statutes, and set forth herein, and that it is in the public interest of all of the citizens of Miami-Dade County that the District have such powers,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. The foregoing findings, which are expressly set forth herein, are hereby adopted and made a part hereof.

Section 2. The Petition to establish the Vizcaya in Kendall Community Development District over the real property described in Exhibit A attached hereto, which was filed by Kendall Land Development, L.L.C., on September 14, 2004, and which Petition is on file at the Office of the Clerk of the Board, is hereby granted. A copy of the Petition is attached and incorporated herein (Exhibit B).

Section 3. The external boundaries of the District shall be as depicted on the location map attached hereto and incorporated herein as Exhibit C.

Section 4. The initial members of the Board of Supervisors shall be as follows:

Jan Ickovic

John Evasius

Evan Rabinowitz

Jorge Rosello

Jose Boschetti

Section 5. The name of the District shall be the "Vizcaya in Kendall Community Development District."

Section 6. The Vizcaya in Kendall Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes, pursuant to the authority granted by Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter.

Section 7. Pursuant to Section 190.005 (2) (d), Florida Statutes, the charter for the Vizcaya in Kendall Community Development District shall be Sections 190.006 through 190.041, Florida Statutes.

Section 8. The Miami-Dade County Board of County Commissioners hereby grants to the Vizcaya in Kendall Community Development District all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such general powers.

Section 9. The Miami-Dade County Board of County Commissioners hereby grants to the Vizcaya in Kendall Community Development District the special powers authorized pursuant to Section 190.012 (1), Florida Statutes and Sections 190.012 (2) (a) (d) and (f), (except

for powers regarding waste disposal), Florida Statutes and Section 190.012 (3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such special powers; provided that the District's exercise of power under Section 190.012(1)(b), Florida Statutes, pertaining to water, waste water and reuse water services shall be pursuant to that Declaration of Restrictive Covenants submitted to the Board of County Commissioners in connection with the petition.

Section 10. All bonds issued by the Vizcaya in Kendall Community Development District pursuant to the powers granted by this ordinance shall be validated pursuant to Chapter 75, Florida Statutes.

Section 11. No bond, debt or other obligation of the Vizcaya in Kendall Community Development District, nor any default thereon, shall constitute a debt or obligation of Miami-Dade County, except upon the express approval and agreement of the Miami-Dade Board of County Commissioners.

Section 12. Notwithstanding any power granted to the Vizcaya in Kendall Community Development District pursuant to this Ordinance, neither the District nor any real or personal property or revenue in the district shall, solely by reason of the District's creation and existence, be exempted from any requirement for the payment of any and all rates, fees, charges, permitting fees, impact fees, connection fees, or similar County rates, fees or charges, special taxing districts special assessments which are required by law, ordinance or County rule or regulation to be imposed within or upon any local government within the County.

Section 13. Notwithstanding any power granted to the Vizcaya in Kendall Community Development District pursuant to this Ordinance, the District may exercise the power of eminent domain outside the District's existing boundaries only with the prior specific and express



approval of the Board of County Commissioners of Miami-Dade County.

Section 14. This Board hereby accepts that Declaration of Restrictive Covenants as proffered by the owners of the lands within the jurisdiction of the Vizcaya in Kendall Community Development District, in connection with the petition submitted by Kendall Land Development, L.L.C., and approved herein.

Section 15. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 16. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County.

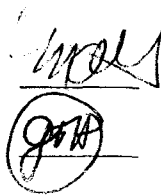
Section 17. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

Prepared by:

Gerald T. Heffernan

The block contains two handwritten signatures. The top signature is in cursive and appears to read 'MOL'. Below it is a circular stamp containing the initials 'JTH' in a stylized font.

### **LEGAL DESCRIPTION:**

The N.E. 1/4 of Section 6, Township 55 South, Range 39 East, Miami-Dade County, Florida, less and excepting therefrom that portion dedicated to Miami-Dade County for Right of Way Map recorded in Plat Book 76, at Page 33, of the Public Records of Miami-Dade County, Florida, as the same is located and measured by the map of survey prepared by A.R. Toussaint and Associates, Inc., under order Number 8849 dated June, 1989, a copy of which is attached to the Partial Final Judgment labelled Exhibit "A" and by reference incorporated into said Partial Final Judgment done and ordered in chambers at Miami Miami-Dade County, Florida on August 22, 1989, filed under Court Record 86-24085 CA (14), as recorded in Official Records Book 14242 Page 0597, of the Public Records of Miami-Dade County, Florida.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF MIAMI-DADE COUNTY, FLORIDA

IN RE: AN ORDINANCE TO ESTABLISH                     )  
THE VIZCAYA IN KENDALL                                 )  
COMMUNITY DEVELOPMENT DISTRICT                    )

**PETITION**

Petitioner, KENDALL LAND DEVELOPMENT, LLC, a Florida limited liability company with its principal place of business at 3300 University Drive, Coral Springs, Florida 33065, Florida (the "Petitioner") is authorized to submit this petition (the "Petition") and has the contractual right to purchase a portion of the real property to be located within the proposed District (hereinafter defined) from the present owner of one hundred percent (100%) of such property (the "Seller"). Petitioner, with the consent of Seller, hereby petitions the Board of County Commissioners of Miami-Dade County, Florida, pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, as amended and supplemented (the "Act"), including specifically Section 190.005(2) of the Act, to establish a community development district with respect to the real property more fully described herein. In support of the Petition, Petitioner states:

1. The real property within the proposed District is located wholly within the unincorporated area of Miami-Dade County, Florida. Exhibit 1 attached hereto depicts the general location of the proposed District. The real property to be included within the proposed District comprises approximately 160.27 acres of land. The metes and bounds description of the external boundaries of the District is set forth on Exhibit 2. There is no real property within the external boundaries of the proposed District which is to be excluded from the District.

2. Attached to this Petition as Exhibit 3 and made a part hereof is the written consent to the establishment of the District by the Petitioner and by the Seller, as the owner of one hundred percent (100%) of the real property to be included in the proposed District.

3. The following five (5) persons shall be the initial members of the Board of Supervisors of the proposed District, each of whom is a resident of the State of Florida and a citizen of the United States, and each of whom shall serve in that office until replaced by elected members as provided in Section 190.006 of the Act:

<u>Name</u>	<u>Address</u>
Jan Ickovic	3300 University Drive Coral Springs, Florida 33065
John Evasius	3300 University Drive Coral Springs, Florida 33065
Evan Rabinowitz	3300 University Drive Coral Springs, Florida 33065
Jorge Rosello	13370 SW 131 Street, Unit 104 Miami, Florida 33186
Jose Boschetti	2901 SW 8 <sup>th</sup> Street, Suite 204 Miami, Florida 33135

4. The name of the proposed District is Vizcaya in Kendall Community Development District (the "District").

5. A map of the proposed District showing current major trunk water mains and sewer interceptors and outfalls, if in existence, is attached hereto as Exhibit 4.

6. Based upon available data, attached hereto as Exhibit 5 is a proposed timetable for construction of the proposed District's systems, services and facilities and the estimated cost of constructing such systems, services and facilities. These estimates are submitted in good faith but are not binding on the Petitioner and the District and are subject to change.

7. The designation of the future general distribution, location and extent of public and private uses of land proposed for the area within the District by the future land use plan element of the Miami-Dade County Comprehensive Plan is shown on Exhibit 6 attached hereto.

8. Attached as Exhibit 7 is a statement of estimated regulatory costs prepared in accordance with the requirements of Section 120.541, Florida Statutes.

9. Pursuant to Section 190.012(2) of the Act, Petitioner further petitions the Board of County Commissioners of Miami-Dade County, Florida to consent to the proposed District's exercise of the powers set forth in Section 190.012(2) (a) and (d) of the Act, thereby enabling the District to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for (i) parks and facilities for indoor and outdoor recreational, cultural and educational uses, and (ii) security, including, but not limited to, guardhouses, fences and gates, electronic intrusion detection systems, and patrol cars, when authorized by proper governmental agencies, except that the District may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the District boundaries. The foregoing powers shall be in addition, and supplemental, to the powers which the proposed District would be entitled to exercise pursuant to Sections 190.011 and 190.012 (1) and (3) of the Act.

11. The creation of the proposed District is not inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.

12. The real property to comprise the proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.

13. The creation of the proposed District presents the best alternative available for delivering the community development facilities and services to the area that will be served by the proposed District.

14. The community development facilities and services of the proposed District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.

15. The area to be served by the proposed District is amenable to separate special-purpose government.

16. All statements contained within this Petition are true and correct.

WHEREFORE, Petitioner respectfully requests the Board of County Commissioners of Miami-Dade County, Florida to:

A. Hold a public hearing as required by Section 190.005(2)(b), Florida Statutes to consider the establishment of the proposed District; and

B. Adopt an ordinance pursuant to the Act and other applicable law granting this Petition and establishing a community development district to be known as the "Vizcaya in Kendall Community Development District."

Respectfully submitted this 29<sup>th</sup> day of June, 2004.

KENDALL LAND DEVELOPMENT,  
LLC, a Florida limited liability company, as  
Petitioner

By: 

Name: Jose R. Bosdelti

Title: Manager

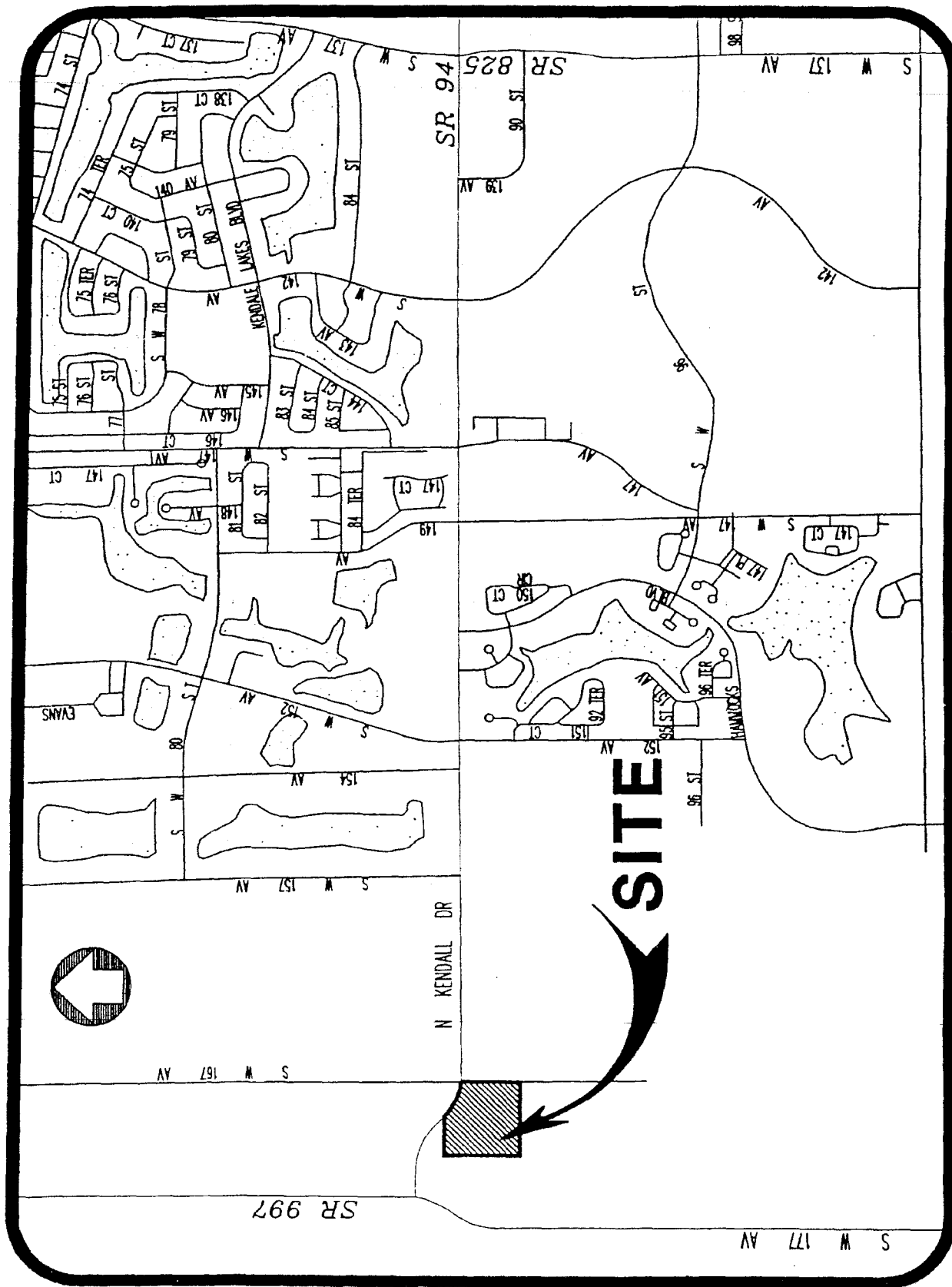
**EXHIBIT 1**

**LOCATION MAP**

{M2111817;4}FTL:1166925;3

Exhibit 1-1

14



# VICINITY MAP

NOT TO SCALE

EXHIBIT 3

**EVIDENCE OF WRITTEN CONSENT OF PETITIONER AND SELLER  
TO ESTABLISHMENT OF COMMUNITY DEVELOPMENT DISTRICT**

Kendall Land Development, LLC, a Florida limited liability company (the "Petitioner") hereby certifies that it is authorized to submit the petition (the "Petition") seeking establishment by the Board of County Commissioners of Miami-Dade County, Florida of the **VIZCAYA IN KENDALL COMMUNITY DEVELOPMENT DISTRICT** (the "District") pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, as amended and supplemented (the "Act"), including specifically Section 190.005(2) of the Act. The proposed District will comprise certain real property wholly located within the unincorporated area of Miami-Dade County, as such property is legally described on Exhibit 2 to the Petition (the "Property"). Petitioner has the contractual right to purchase a portion of the Property from Kendall Commons Inc., a Florida corporation (the "Seller"), pursuant to a written purchase agreement. Seller hereby certifies that it is the owner of one hundred percent (100%) of the Property. By signing below, Petitioner and Seller hereby give their full consent to the establishment of the proposed District by the Board of County Commissioners of Miami-Dade County, Florida and to the inclusion of the Property within the boundaries of the proposed District. The Property comprises one hundred percent (100%) of the real property to be included within the boundaries of the proposed District.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands this 29th day of JUNE, 2004.

KENDALL LAND DEVELOPMENT, LLC, a  
Florida limited liability company, as Petitioner

By:

Name:

Title:

Joe R. Borchetta  
manager

KENDALL COMMONS, INC., a Florida  
corporation, as Seller

By:

Name:

Title:

ARTHUR FALCONS  
PRESIDENT



STATE OF FLORIDA       )  
  ) SS:  
COUNTY OF Dade       )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Jose P. Bosch the manager of KENDALL LAND DEVELOPMENT, LLC, a Florida limited liability company. He is personally known to me or who has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 8th day of June, 2004.



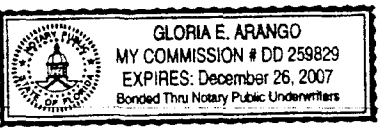
[Signature]  
Notary Public  
Gloria E. Arango  
Typed, printed or stamped name of Notary Public

My Commission Expires:

STATE OF FLORIDA       )  
  ) SS:  
COUNTY OF Dade       )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Arthur Falcone, the Managing Member of KENDALL COMMONS, INC., a Florida corporation. He is personally known to me or who has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 23rd day of June, 2004.



[Signature]  
Notary Public  
Gloria E. Arango  
Typed, printed or stamped name of Notary Public

My Commission Expires:

**EXHIBIT 5**

**GOOD FAITH COST ESTIMATE AND CONSTRUCTION TIMETABLE**

**VIZCAYA IN KENDALL COMMUNITY DEVELOPMENT DISTRICT  
PROPOSED CONSTRUCTION TIMETABLE AND COSTS ESTIMATES**

<b>Construction Period: 2004-2007</b>	<b>Project Costs</b>
<b><u>Description</u></b>	
Roads	\$19,711,800.00
Stormwater Management	\$6,928,800.00
Sanitary Sewer	\$4,258,200.00
Water Distribution	\$4,878,200.00
Parks and Recreation	\$1,056,000.00
Landscaping, Streetlighting and Irrigation	\$4,203,900.00
Professional Fees	\$2,162,800.00
<b>Phase Total</b>	<b>\$43,199,700.00</b>

## EXHIBIT "7"

### STATEMENT OF ESTIMATED REGULATORY COSTS

#### 1.0 Introduction

##### 1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to form the **Vizcaya in Kendall Community Development District** ("District"). The proposed District comprises approximately 160.27 acres of land located in Miami-Dade County, Florida. The limitations on the scope of this SERC are explicitly set out in Section 190.002 (2) (d), F.S. (governing District formation or alteration) as follows:

"That the process of establishing such a district pursuant to uniform general law shall be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant (emphasis added)."

##### 1.2 Overview of the Vizcaya in Kendall Community Development District

The proposed District comprises approximately 160.27 acres within Miami-Dade County (the "County"). The District is designed to provide community infrastructure, services, and facilities along with certain ongoing operations and maintenance to the Vizcaya development (the "Development" or "Vizcaya"). Vizcaya will be a mixed-use development.

The Development plan for the proposed lands within the District includes the construction of approximately 1,256 residential units, 22,499 sq. ft. of retail, 132,000 sq. ft. of commercial, and 11.12 acres of civic use and school site.

A Community Development District is an independent unit of special purpose local government authorized by Chapter 190, Florida Statutes, to plan, finance, construct, operate and maintain community-wide infrastructure in large, planned community developments. CDD's provide a "solution to the state's planning, management and financing needs for delivery of capital infrastructure to service projected growth without overburdening other governments and their taxpayers." Section 190.002 (1) (a) F.S.

A CDD is not a substitute for the local, general purpose, government unit, i.e., the County in which the CDD lies. A CDD does not have the permitting, zoning or police powers possessed by general purpose governments. A CDD is an alternative means of financing, constructing, operating, and maintaining community infrastructure for planned developments, such as Vizcaya. The scope of this SERC is limited to evaluating the consequences of approving the proposal to establish the Vizcaya in Kendall Community Development District.

### **1.3 Requirements for Statement of Estimated Regulatory Costs**

Section 120.541 (2), F.S. (2003), defines the elements a statement of estimated regulatory costs must contain:

- (a) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.
- (b) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.
- (c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.
- (d) An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S. Miami-Dade County is not defined as a small county for purposes of this requirement.
- (e) Any additional information that the agency determines may be useful.

(f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1) (a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

**2.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.**

As noted above, the Vizcaya Development is an anticipated Planned Development Project designed for up to 1,256 total residential units, retail, commercial and civic/school site uses. Formation of the District would put all of these households, retail, and commercial uses under the jurisdiction of the District. It is not anticipated that anyone outside the District would be affected by the rule creating the District, although the State of Florida and Miami-Dade County would be required to comply with the rule.

**3.0 Good faith estimate of the cost to state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.**

**3.1 Costs to Governmental Agencies of Implementing and Enforcing Rule**

**State Government Entities**

There will be only modest costs to various State governmental entities to implement and enforce the proposed formation of the District. The District as proposed is within Miami-Dade County. Due to special language contained in the Miami-Dade County Charter, Miami-Dade County is the establishing entity under 190.005 (1) F.S. The modest costs to various State entities to implement and enforce the proposed rule relate strictly to the receipt and processing of various reports that the proposed District is required to file with the State and its various entities. Appendix A lists the reporting requirements. The costs to those State agencies that will receive and process the District's reports are very small, because the District is only one of many governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential. Additionally, pursuant to section 169.412, F.S., the proposed district must pay an annual fee to the State of Florida Department of Community Affairs, which offsets such costs.

### **Miami-Dade County**

The proposed land for the District is in Miami-Dade County and consists of less than 1,000 acres. Miami-Dade County and their staff may process, analyze, conduct a public hearing, and vote upon the petition to establish the District. These activities will absorb some resources. The costs to review the record of the local hearing, the transcript of the hearing, and the resolutions adopted by the local general-purpose government will be offset by the filing fee required under 190.005 (1)(b), F.S.

These costs to the County are modest for a number of reasons. First, according to Chapter 190, F.S., review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides much of the information needed for a staff review. Third, local governments already possess the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Fifth, the potential costs are offset by the required filing fee. Finally, local governments routinely process similar petitions for land uses and zoning charges that are far more complex than is the petition to establish a community development district.

The annual costs to Miami-Dade County, because of the establishment of the District, are also very small. The proposed District is an independent unit of local government. The only annual costs the County faces are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the local governing authorities.

### **3.2 Impact on State and Local Revenues**

Adoption of the proposed rule will have no negative impact on State and local revenues. The District is an independent unit of local government. It is designed to provide community facilities and services to serve the Vizcaya development project. It has its own sources of revenue. No State or local subsidies are required or expected.

In this regard it is important to note that any debt obligations incurred by the District to construct its infrastructure, or for any other reason, are not debts of the State of Florida, Miami-Dade County, or any unit of local government. In accordance with State law, debts of the District are strictly its own responsibility.

### **4.0 A good faith estimate of the transactional costs that are likely to be incurred by individuals and entities required to comply with the requirements of the ordinance.**

Table 1 provides an outline of the various facilities and services the proposed District may provide. The storm drainage and certain roadways will be funded by the District. The District will also fund the water distribution and wastewater collection system, to be owned and maintained by the Miami-Dade Water and Sewer Department.

**Table 1. Kendall Commons Community Development District  
Proposed Facilities and Services**

<b>FACILITY</b>	<b>FUNDED BY</b>	<b>O&amp;M</b>	<b>OWNERSHIP</b>
Roadways <sup>1</sup>	CDD	COUNTY	COUNTY
Water Distribution System	CDD	COUNTY	COUNTY
Sewage Collection System	CDD	COUNTY	COUNTY
Parks and Recreation Facilities	CDD	CDD	CDD
Security	CDD	CDD	CDD
Stormwater Drainage System	CDD	CDD	CDD
Offsite Improvements	CDD	COUNTY	COUNTY

The petitioner has estimated the design and development costs for providing the capital facilities as outlined in Table 1. The cost estimates are shown in Table 2 below. Total design and development costs for these facilities are estimated to be approximately \$43,199,700. The District may issue special assessment or other revenue bonds to fund the development of these facilities. These bonds would be repaid through non ad valorem assessments levied on all properties in the District that may benefit from the District's capital improvement program outlined in Table 2.

Prospective future landowners in the District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through bond issuance. In addition, to the levy of non-ad valorem assessments for debt service, the District may also impose a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services. However, locating in the District by new residents is completely voluntary. So, ultimately, all owners and users of the affected property choose to accept the non-ad valorem assessments as a tradeoff for the numerous benefits and facilities that the District provides. In addition, state law requires all assessments levied by the District to be disclosed by the seller to all prospective purchasers of property within the District.

A Community Development District ("CDD") provides residents with the option of having higher levels of facilities and services financed through self-imposed charges. The District is an alternative means to finance necessary community services. District financing is no more expensive, and often less expensive, than the alternatives of a municipal service taxing unit (MSTU), a neighborhood association, City/County provision, or through developer equity and/or bank loans.

<sup>1</sup> Roadways excludes alleyways and private driveways.

In considering these costs it shall be noted that occupants of the lands to be included within the District will receive three major classes of benefits.

First, those residents and businesses in the District will receive a higher level of public services and amenities sooner than would otherwise be the case.

Second, a CDD is a mechanism for assuring that the community services and amenities will be completed concurrently with development of lands within the District. This satisfies the revised growth management legislation, and it assures that growth pays for itself without undue burden on other consumers. Establishment of the District will ensure that these landowners pay for the provision of facilities, services and improvements to these lands.

Third, a CDD is the sole form of governance which allows District landowners, through landowner voting and ultimately electoral voting for resident elected boards, to determine the type, quality and expense of the District services they receive, provided they meet the County's overall requirements.

The cost impact on the ultimate landowners in the District is not the total cost for the District to provide infrastructure services and facilities. Instead, it is the incremental costs above what the landowners would have paid to install infrastructure via an alternative financing mechanism. Given the low cost of capital for a CDD, the cost impact to landowners is negligible. This incremental cost of the high quality infrastructure provided by the District is likely to be fairly low.

**Table 2. Cost Estimate for District Facilities**

CATEGORY	COST <sup>2</sup>
Roadways	\$19,711,800
Water Distribution System	\$ 4,878,200
Sewage Collection System	\$ 4,258,200
Parks and Recreation Facilities	\$ 1,056,000
Stormwater Management System	\$ 6,928,800
Landscaping, Streetlighting and Irrigation	\$ 4,203,900
Professional Fees, Permitting, etc.	\$ 2,162,800
Total Estimated Costs	\$43,199,700

<sup>2</sup> Estimated Costs for District Facilities provided by Serralta Regull Serig, Inc., Miami, Florida.



**5.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.**

There will be little impact on small businesses because of the formation of the District. If anything, the impact may be positive. This is because the District must competitively bid all of its contracts. This affords small businesses the opportunity to bid on District work.

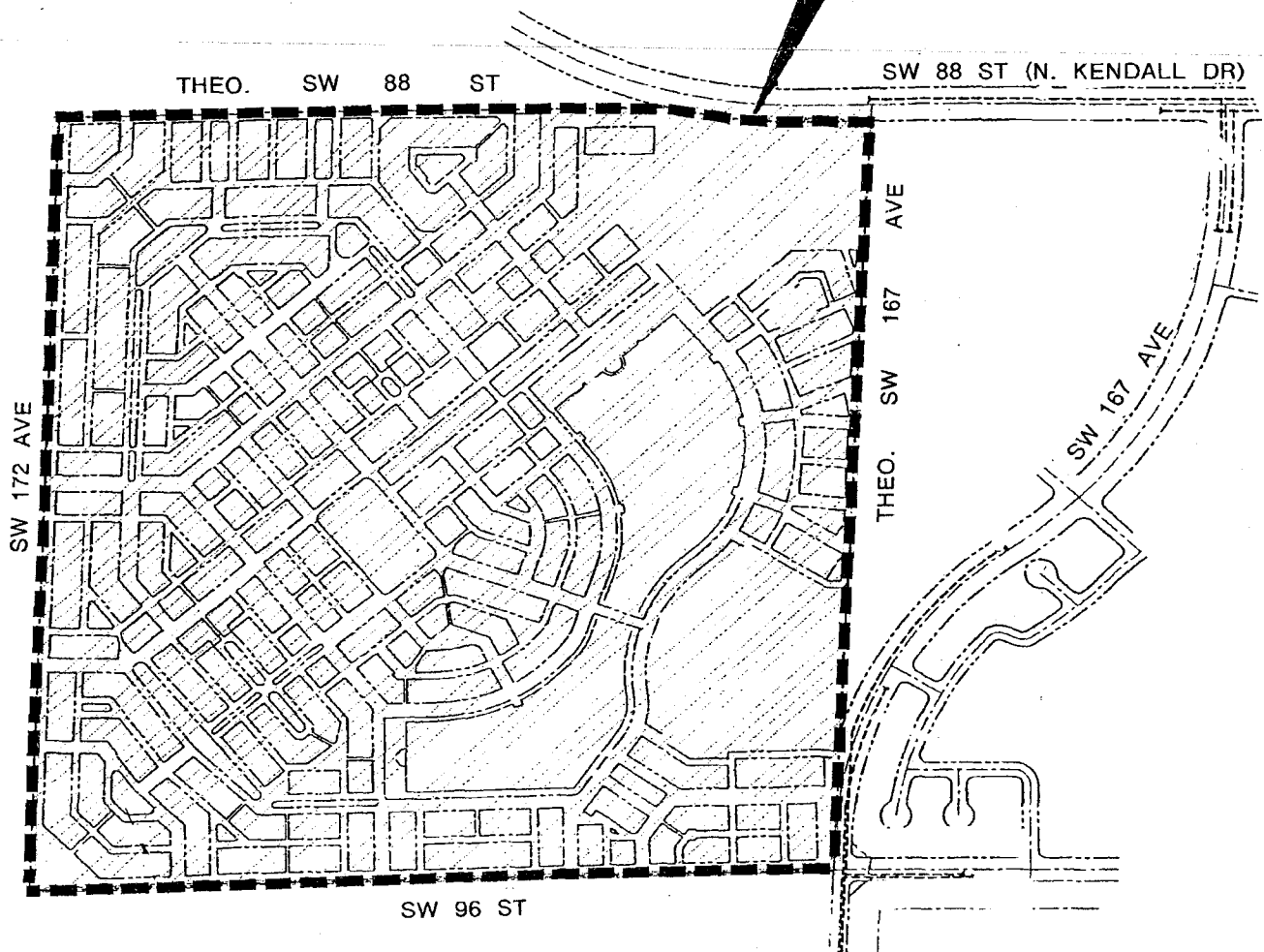
Miami-Dade County has an estimated population in 2000 that is greater than 75,000. Therefore the County is not defined as a "small" County according to Section 120.52, F.S.

**6.0 Any additional useful information.**

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the Developer's Engineer and other professionals associated with the Developer.

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# DISTRICT BOUNDARIES



## VIZCAYA IN KENDALL COMMUNITY DEVELOPMENT DISTRICT

